

INDICATIVE SANCTIONS GUIDANCE

United Kingdom Council for Psychotherapy

Indicative Sanctions Guidance

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Introduction

1.1 Role and purpose of the Indicative Sanctions Guidance

- 1.1.1 The Indicative Sanctions Guidance (guidance) has been produced by the UK Council for Psychotherapy (UKCP) to be used in conjunction with its Complaints and Conduct Process. It is for use by members of its Adjudication Panels (panel) when deciding whether to impose sanctions on a Registrant in cases where the panel is satisfied that the Registrant is not suitable to remain on the UKCP register without any restrictions or conditions. This guidance is also to be used when an Appeal Panel is reviewing a previously imposed order, or an Interim Order Panel is considering imposing an interim suspension order, or when a Professional Standards Manager in consultation with the Professional Conduct Committee is considering dealing with a complaint by way of Consensual Disposal.
- 1.1.2 The guidance aims to promote consistency and transparency in decision making. It ensures that all parties, including the Registrant, the witnesses and the public, are aware of the approach taken by a panel when considering the question of sanction, and provides a panel with UKCP's authoritative approach to sanction for reference.
- 1.1.3 A Legal Assessor will normally be available to the panel at all times during a hearing to advise it on questions of law and procedure, including questions on the use of this guidance and the approach it should take. Panels must always be aware that each case should be decided on its unique facts and merits, and that it has the remit to depart from this guidance if it deems it appropriate to do so. Where a panel has reason to depart from this guidance it should clearly explain why it has done so in its reasons.
- 1.1.4 This guidance is intended to aid panels in their deliberations and assist them in making fair, consistent, and transparent decisions. This guidance is also intended to aid the Professional Conduct Committee (or the Professional Standards Manager acting on their behalf) in drafting a Consensual Disposal offer that includes an appropriate sanction. As such, references throughout this guidance to 'panel' shall also include the Professional Conduct Committee when the Consensual Disposal is being considered

1.2 UKCP and the Complaints and Conduct Process

- 1.2.1 UKCP is a membership organisation which holds a national register of psychotherapists and psychotherapeutic counsellors. UKCP is not a statutory body and membership of the organisation is voluntary; however in agreeing to membership of UKCP a Registrant agrees to be bound by UKCP's constitutional documents, the Complaints and Conduct Process, and any other relevant policies or documents.
- 1.2.2 UKCP exists to promote and maintain the profession of psychotherapy and psychotherapeutic counselling for the public benefit. This includes promoting high standards of education, training and practice. The Complaints and Conduct Process is the process through which UKCP deals with complaints against those psychotherapists and psychotherapeutic counsellors who are on, or have recently been on, UKCP's register.

1.3 Equality and diversity statement

- 1.3.1 UKCP is committed to promoting equality, inclusion, and diversity and works to ensure that its processes are fair, transparent, objective, and free from discrimination. UKCP expects that everyone who is acting for the UKCP uphold these values.

Key principles regarding sanctions

2.1 Adjudication Panels and the three-stage test

- 2.1.1 Before the Panel make a decision on sanction, they must perform a three-stage process and decide in turn:
- a) Whether the facts alleged have been found proved, and if so;
 - b) Whether, the proven or admitted allegations amount to a breach of UKCP's code of ethics, and if so;
 - c) Whether the breaches are such that it is not suitable for the Registrant to remain on UKCP's register without any restrictions or conditions; and finally,
 - d) What action, if any can be taken to restore the Registrant's suitability to be on the register.
- 2.1.2 In the interest of fairness, the panel should invite representations from the UKCP and the Registrant at each stage of the above process.
- 2.1.3 If a sanction is imposed on a Registrant, the Chair of the panel ~~Chair~~ must ensure that the Registrant fully understands any sanction that is being imposed on them. The Chair of the panel should carefully explain what the sanction entails and the reasons it has been imposed in clear and direct language that leaves no room for misunderstanding or ambiguity. The Registrant should also receive a written copy of the decision.

2.2 The purpose of sanctions

- 2.2.1 Sanctions are available to a panel when they have identified that a Registrant is not currently fit to be on the UKCP register, or is not currently fit to be on UKCP's register without any restrictions or limitations. Sanctions are also available to the Professional Conduct Committee (or Professional Standards Manager acting on their behalf) when a complaint does not relate to serious allegations that may give rise to termination of UKCP membership, and it is appropriate in all the circumstances for it to be dealt with by Consensual Disposal.
- 2.2.2 The purpose of sanctions is to protect the public and the wider public interest and to uphold the reputation and standards of the profession. Fitness to practise proceedings are not intended to be punitive and the purpose of sanction is not to punish the Registrant, but to enable a Registrant's return to safe practise where possible. If a panel determine that a Registrant poses a risk to those who may need to use their services in the future, the panel must determine what level of public protection is required and is proportionate. The Professional Conduct Committee (or Professional Standards Manager acting on their behalf) must do the same assessment when a complaint is dealt with by Consensual Disposal.
- 2.2.3 Even if a panel is satisfied that the Registrant is not suitable to remain on the UKCP register without any restrictions or conditions, it does not necessarily follow that they must impose a sanction. In some instances a panel may decide that it is not necessary to take further action, for example, if a shortcoming has already been remedied by the Registrant.

2.3 The public interest test

- 2.3.1 The primary function of any sanction is to address public safety from the perceived risk that the Registrant may pose. However, in reaching their decision the panel must also consider the wider public interest, with a focus on the particular need to protect clients and maintain confidence in the profession.

- 2.3.2 A number of court ~~judgements~~judgments have identified and confirmed that the public interest includes, amongst other things:
- a) Protection of clients and the wider public;
 - b) Maintenance of public confidence in the profession and the regulatory process; and
 - c) Declaring and upholding the proper standards of conduct and behaviour.

2.4 Proportionality

- 2.4.1 In deciding what, if any, sanction to impose, panels must act proportionately and balance the interests of the Registrant with those of the public.
- 2.4.2 The panel should consider all available sanctions, starting with the least restrictive. Any interference with a Registrant's ability to practise should be no more than is necessary to satisfy the public interest, which includes the protection of the public.

2.5 Aggravating and mitigating factors

- 2.5.1 When deciding on a sanction, a panel must have due regard to any evidence placed before them by way of aggravation by the UKCP, or mitigation by the Registrant.
- 2.5.2 Mitigation can be considered in three broad categories:
- a) Evidence of the Registrant's insight and understanding of the issue and their attempts to address it. This may include, amongst other things, early admission of the facts; apologies to the complainant; and attempts to correct the short-comings.
 - b) Evidence of the Registrant's overall adherence to good practise. This may include, amongst other things, demonstration of supervision or personal therapy arrangements; a Registrant's good character or history; testimonials from colleagues; and previous standing.
 - c) Personal mitigation. This may include, amongst other things, periods of stress or illness; personal and financial hardship; level of experience at the time in question; time lapsed since the behaviours occurred; and level of support in the workplace.
- 2.5.3 The UKCP may also wish to draw attention to aggravating factors relating to the facts found proved by the panel. These factors may include, amongst other things, the Registrant's behaviour during the hearing; the responsibility of the Registrant; previous complaints against the Registrant where the events have been found or proven; and whether the Registrant has abused a position of trust.
- 2.5.4 Panels need to be mindful that they do not give disproportionate weight to whether or not a Registrant has been subject to an interim order. Interim Order Panels make no finding of fact and apply a different test to that of an Adjudication panel. An interim order should be of limited or no significance to panels determining sanction where a panel is satisfied that the Registrant is not suitable to remain on the UKCP register without any restrictions or conditions. However, any breaches of an interim order may be relevant to a panel's assessment of the Registrant's insight and attitude and whether they would be likely to comply with any sanction given.

Individual sanctions available to the Panel

3.1 The sanctions

- 3.1.1 Panel members should consider the full range of sanctions available to them. The proper approach is to start with the least severe and work through to the most severe, choosing the sanction that is the minimum that would be appropriate and proportionate in all the circumstances. The panel can choose a combination of the below sanctions if required.
- 3.1.2 The panel must explain why they have chosen a particular sanction and why they have rejected other sanctions. It is good practise for the panel to explain why it is not necessary to impose a more severe sanction than the one they have chosen in order to satisfy themselves that the sanction they have chosen is proportionate and correct.

3.2 Verbal or written apology

- 3.2.1 This is the least restrictive sanction that can be applied in a case where a panel has determined that a Registrant is not suitable to remain on the UKCP register without any restrictions or conditions. This will generally be only where the proven or admitted allegations are of a minor and isolated nature and the Registrant fully understands the nature and effect of the lack of suitability. A panel may want to consider if the Registrant has shown genuine remorse and whether it is likely that the complainant would be open to receiving such an apology. If an apology has already been given by the Registrant, this may not be an appropriate sanction but may be a relevant matter of mitigation.

3.3 Letter of warning

- 3.3.1 A decision containing a sanction of letter of warning from the panel to the Registrant will appear on the Register for a period of twelve months but does not affect a Registrant's ability to practise. The College and Organisational Member to which the Registrant belongs, along with any other relevant employers, will also receive a copy of the letter for their records.
- 3.3.2 A warning may be appropriate in a situation where the breach is at the lower end of the fitness to practise scale and the panel want to make it clear to the Registrant that such behaviour was unacceptable and should not be repeated. A letter of warning is unlikely to be applicable in situations where the Registrant has shown a lack of understanding or insight into their behaviour and there is a risk of repetition.

3.4 Oral or written report

- 3.4.1 A decision containing a sanction of requiring an oral or written report from the Registrant to the panel will appear on the Register for a period of twelve months but does not affect a Registrant's ability to practise.
- 3.4.2 A report may be appropriate in a situation where the breach is at the lower end of the fitness to practise scale and the panel want to ensure that the Registrant fully understands the impact of their behaviour. A panel must be convinced that significant learning has already occurred and must consider whether it is likely that the Registrant has learnt from the complaints process.
- 3.4.3 A panel may ask a Registrant to prepare a written or oral report focusing on any number of aspects relevant to the complaint or the behaviour complained of. A Registrant will usually be given a period of twelve months in which to consider, prepare, and deliver the report; however this is a matter for the Panel to determine. A panel must provide clear, concise direction for the Registrant, including

but not limited to: the purpose of the report/ what learning should be demonstrated, the due date of the report, expected length, etc.

- 3.4.4 Once a report has been submitted, the panel must consider whether the aims of requiring a report have been met. If not, further sanctions may be required. In such a situation, more serious sanctions may be required.

3.5 Further training

- 3.5.1 A panel may require a Registrant to undertake further training in one or more specific areas in order to remedy any shortcomings identified during the complaints process. This sanction may be appropriate in situations in which the Registrant has shown insight into their behaviour and it has been identified that the Registrant lacks the immediate knowledge or experience that is required to remediate their behaviour.
- 3.5.2 The purpose of further training is to enable the Registrant to remedy the deficiencies in their practice or knowledge whilst simultaneously protecting the public. In these circumstances the panel may want to consider whether it is necessary to combine training with other measures, such as supervision or suspension. Further training may not be appropriate if the Registrant shows evidence of general incompetence, unwillingness to respond to further training, or a lack of insight.
- 3.5.3 A panel must provide clear, concise direction for the Registrant, including but not limited to: the specific outcomes of the training, who will oversee the training, whether the panel need to be informed before the training is chosen and commenced, and when the training needs to be completed by. The Registrant's College and/or Organisational Member will also be informed so that they can support the Registrant where necessary. A panel may consider whether certificates of completion are sufficient evidence of further training, or whether they would like the Registrant to prepare a report at the conclusion outlining the learning that has occurred in addition to the report required by the College or Organisational Member required by paragraph 7.25.5 of the Complaints and Conduct Process.
- 3.5.4 Once a report has been submitted, the panel must consider whether the aims of requiring a report have been met. If not, further sanctions may be required. In such a situation, more serious sanctions may be required.

3.6 Further supervision and/or therapy

- 3.6.1 A panel may require a Registrant to undertake a specified number of supervision sessions as part of the sanction process. Supervision will generally take one of two forms: the panel may request the Registrant to explore specific topics or themes in order to broaden their understanding of issues raised throughout the complaint process; alternatively, supervision may be used as an additional safeguard in order to protect the Registrant's clients and to ensure the Registrant has adequate support to work through any difficulties that might arise.
- 3.6.2 A panel may also consider it necessary for a Registrant to undergo a specific period of personal therapy if it identifies issues that may be affecting a Registrant's ability to practice competently. Personal therapy will usually be used in conjunction with one or more other sanctions and may be appropriate in circumstances in which the Registrant is experiencing personal or professional hardship.
- 3.6.3 A panel must make clear to the Registrant the following: the goals of the supervision/therapy; the length and frequency of the supervision/therapy; the frequency of reports required from the

supervisor or therapist; whether a personal report is required from the Registrant at the conclusion of supervision/therapy; and who will be selecting and approving the choice of the therapist or supervisor. A panel must also consider the expense that the Registrant will incur by undergoing therapy or supervision and must take this into consideration when imposing this sanction. The cost incurred to the Registrant must be proportionate to the seriousness of the allegations and the risk to the public if supervision or therapy is not undertaken. A panel must also bear in mind any existing supervision or therapy arrangements that the Registrant may have in place.

- 3.6.4 A panel may require a written report from the Registrant, their supervisor, or therapist (or a combination of all) at the completion of therapy or supervision in order to determine whether the goals set have been met. If the panel does not believe that the goals set have been adequately met it may determine whether any further sanctions are necessary.

3.7 Conditions of Practice Order

- 3.7.1 A Conditions of Practice Order (CPO) provides a panel with a flexible way of concluding a case. A CPO requires a Registrant to comply with certain conditions for a specific timeframe, for a maximum of twelve months. This particular sanction allows the Registrant to continue to practice subject to certain conditions or restrictions. A CPO will be the most appropriate in circumstances where a failure is capable of being remedied and where the panel is satisfied that allowing the Registrant to continue to practice (albeit with certain restrictions) will not pose a risk of harm to the public. A panel must be satisfied that a Registrant has displayed insight into their failings and the willingness of the Registrant to respond positively and adhere to the stipulated conditions.
- 3.7.2 A CPO has a maximum length of twelve months and therefore any conditions imposed should be remedial or rehabilitative in nature. Any conditions should be both practical and workable and relevant to the failings identified by the panel, and should also be easy to monitor. A panel must recognise that in order for a CPO to be effective, a Registrant must comply with the conditions and therefore must be satisfied that the Registrant is committed to resolving the issues identified during the complaint. A CPO may not be appropriate in circumstances where a Registrant has serious overall failings, lacks insight, or the matters involve abuse of service users or dishonesty.
- 3.7.3 A panel will be guided by the Legal Assessor in terms of the drafting and may impose a number of conditions on a Registrant; however the conditions must be workable and practical and must not be tantamount to a suspension. A CPO may include, but is not limited to:
- Directing the Registrant to cease practising in a certain manner;
 - To practise under a specific supervision regime;
 - To be subject to audit or inspection;
 - To be subject to additional training or assessment;
 - To undergo assessment or treatment by a specified health practitioner; and
 - To provide independent reports on physical or mental health to the Case Manager or panel.
- 3.7.4 The objectives of any CPO must be clear so that the Registrant knows what is expected of him and so that a panel, at any future review hearing, is able to ascertain whether the shortcomings have been satisfactorily addressed. A CPO will generally take effect 28 days after the date of the hearing unless an Appeal is lodged and accepted; however if a panel deems it necessary it can impose an immediate start. The 28 day period may only be waived in circumstances where it would be in the public interest to do so and a panel must give clear reasons for this.

3.8 Suspension Order

- 3.8.1 A suspension order directs the UKCP Registrar to suspend the Registrant's membership for a period of up to twelve months. A Registrant who is suspended cannot practise psychotherapy under the auspices of UKCP.
- 3.8.2 Suspension from the Register is a deterrent and may be used to send out a signal to the Registrant, the public, and the profession about what is regarded as behaviour unbefitting a member of UKCP and the wider psychotherapy profession. However, suspension from the Register has a punitive effect in that it prevents a Registrant from earning a living as a psychotherapist during the period of suspension and therefore a panel must carefully balance the interests of the Registrant with its duty to protect the public.
- 3.8.3 Suspension may be appropriate where a panel considers that there are not appropriate workable conditions to remedy the Registrant's shortcomings and to provide sufficient protection to the public, but it is probable that repetition will not occur and therefore striking off is not appropriate.
- 3.8.4 The length of suspension may be for a period of up to twelve months and is a matter for the panel's discretion. A panel must explain clearly why a specified period of time is deemed appropriate, including the factors that led them to consider that particular period of suspension appropriate. A suspension will usually be implemented after the 28 day appeal period has expired. When implementing a suspension a panel must consider the current clients of the Registrant and whether this is a sufficient period to allow an appropriate transition to another psychotherapist. In exceptional circumstances a panel may negotiate a longer timeframe for certain high-dependency clients, however this will be on a case by case basis and is entirely at the panel's discretion.
- 3.8.5 In exceptional circumstances, or if an interim suspension order is currently in place, a panel may consider whether to direct the Registrant's suspension to take place with immediate effect. When doing so panels must consider any evidence received and any submissions made by both parties before making and announcing their decision. An immediate suspension directly affects the Registrant's current clients and therefore must be done only in exceptional circumstances in which the panel is concerned about the safety of the Registrant, their clients, or the public.

3.9 Termination of UKCP Registration

- 3.9.1 Termination of registration with UKCP means that a Registrant's name is removed from the UKCP Register and they are prohibited from practising psychotherapy under the auspices of UKCP. The Registrant's College and/or Organisational Member will be expected to also remove their association with the Registrant, and any relevant employers (such as the NHS) will also be informed.
- 3.9.2 Termination of registration is a sanction of last resort for serious, deliberate, or reckless acts involving abuse of trust (such as sexual misconduct), dishonesty, or persistent and irreparable failure. Termination of registration should be used when the panel considers there no other way to sufficiently protect the public or there is an unwillingness by the Registrant to show insight or resolve their failings. Termination of registration may also be appropriate when there is no other way that public confidence in the profession can be maintained if the Registrant is permitted to remain on the Register. When termination is used to address public protection issues, panels must clearly state their reasons for doing so.

- 3.9.3 Termination of registration is a long-term sanction and a Registrant cannot apply to be readmitted to the Register for a period of three years. Further guidance on the restoration of registration can be found within section 11 of the UKCP Complaints and Conduct Process.
- 3.9.4 Termination of registration will take effect after the 28 day appeal period has expired. A panel may consider imposing an interim suspension order which will apply during the appeal period if it considers there to be a danger to the public if the Registrant is permitted to practise during the appeal period. If an interim suspension order is already in place, a panel may consider extending that order until the conclusion of the appeal period. If a panel is considering imposing an interim suspension order it must hear submissions from both parties on whether or not such an order should be made.

Interim Suspension Orders

4.1 Interim suspension orders

- 4.1.1 Where a complaint is being considered under the Complaints and Conduct Process, UKCP may decide it is necessary for the protection of the public, or is otherwise in the public interest and/or is in the interests of the Registrant to consider whether the Registrant should be suspended from the Register as an interim measure until the original allegations are heard. An interim suspension order is a precautionary measure and should not be seen as prejudicial to the Registrant.

4.2 Considerations

- 4.2.1 When deciding whether or not to impose an interim suspension order the panel must consider the following points:
- The seriousness of the allegations;
 - The time the alleged conduct took place;
 - Whether public confidence in the profession is likely to be seriously damaged if the Registrant continues to hold unrestricted registration during the relevant period;
 - The impact of an interim suspension order on the Registrant and their capacity to earn a living; and,
 - The impact on public safety should the allegations be found proved.

4.3 Interim Suspension Hearings

- 4.3.1 It is important to remember that an interim order panel does not make findings of fact or determine the allegations against the Registrant concerned.
- The following factors are likely to indicate, balanced alongside other factors that a case is likely to raise significant public confidence issues if no interim action is taken, and ought to be taken into consideration:
 - Information that a Registrant is under investigation by the police in connection to serious offences such as rape, sexual assault, or sexual abuse of children;
 - Allegations that a Registrant exhibited predatory behaviour in seeking and establishing an inappropriate sexual or emotional relationship with a vulnerable client;
 - Serious concerns about a Registrant's sexualised behaviour toward a client; or
 - Allegations of a pattern of sexually motivated behaviour toward clients.

Particular Considerations

5.1 Breach of confidentiality

- 5.1.1 Confidentiality is one of the most important ethical obligations that a Registrant has to their clients and the wider public. A proved breach of confidentiality, whether by admission of the Registrant or the determination of a panel will nearly always constitute professional misconduct.
- 5.1.2 When considering whether a sanction is necessary to remedy the Registrant's failings, a panel must consider:
- Whether the breach was a once-off instance;
 - The reason for the disclosure;
 - Whether the Registrant has shown insight and recognises the failings;
 - The likelihood of repetition;
 - Whether the breach arose due to a lack of knowledge or understanding;
 - Any bad faith or improper motive evident; and
 - Any public interest reason for the disclosure and to what extent public confidence in the profession may be undermined by this particular case.
- 5.1.3 The minimum sanction appropriate for a breach of confidentiality is a warning. This may be appropriate in circumstances in which the breach was a once-off incident and the Registrant has shown insight to their failings. A breach of confidentiality will only result in termination of UKCP registration in circumstances where a Registrant has shown a persistent and intentional disregard for client confidentiality and the public confidence in the profession might be lost if such a Registrant was to remain on the Register.

5.2 Boundary issues

- 5.2.1 Boundary issues can encompass a number of scenarios, including but not limited to: dual or multiple relationships with clients; inappropriate communication between a client and a Registrant; or conduct that might confuse the therapeutic relationship between a client and a Registrant. A sexual relationship with a client would be considered as sexual misconduct rather than a boundary issue.
- 5.2.2 Boundary issues are often a result of inexperience, lack of knowledge or training, or mismanagement of the therapeutic relationship. Due to this, the most appropriate sanction for boundary issues where current lack of suitability is found is likely to be further training, supervision, or personal therapy, or a combination of all three.
- 5.2.3 In circumstances where the conduct is deliberate or prolonged over a period of time and the Registrant shows insufficient insight into their failings and an unwillingness to remedy their shortcomings, boundary issues can result in suspension or termination of UKCP registration.
- 5.2.4 When considering which sanction is appropriate to remedy the Registrant's failings, a panel must consider:
- The nature of the breach;
 - Whether the Registrant has shown insight and recognises the failings;
 - The likelihood of repetition;
 - Whether sufficient supervisory arrangements were in place and whether supervision was
 - appropriately used;

- Whether the breach arose due to a lack of knowledge or understanding;
- Any bad faith or improper motive evident; and
- Where the public interest lies and to what extent public confidence in the profession may be undermined by this particular case.

5.3 Dishonesty

- 5.3.1 There is no particular clause in UKCP's code of ethics regarding dishonesty; however it is expected that Registrants are honest and trustworthy and act in the best interest of their clients.
- 5.3.2 If there is evidence that a Registrant has acted dishonestly a panel must consider the extent to which the dishonest conduct might undermine public confidence in the profession. A panel must also consider whether previous dishonesty has an impact on the likelihood that a Registrant will comply with any sanctions ordered.
- 5.3.3 Dishonest conduct, particularly when persistent or repetitive or covered up, is likely to result in termination of UKCP registration.

5.4 Sexual Misconduct

- 5.4.1 UKCP's code of ethics is very clear that a Registrant must not enter into a sexual relationship with a client. Sexual misconduct seriously undermines public confidence in the profession and represents a breach of one of the fundamental tenets of psychotherapy.
- 5.4.2 Sexual misconduct is considered particularly serious where the person concerned is particularly vulnerable and there has been an abuse of the special position of trust that the Registrant occupies.
- 5.4.3 ~~In all~~All cases of sexual misconduct ~~it is extremely unlikely that a sanction less than suspension from UKCP's Register will be sufficient, although it is likely that most cases will~~would be expected to result in termination of UKCP registration. ~~If a panel imposes any sanction other than termination of registration it needs to be particularly careful to explain the reasons for doing so in a way that can be understood by those who have not heard all of the evidence.~~
- 5.4.4 In instances where the sexual relationship was with a former client, the panel must consider how much time has passed since they were a client of the Registrant; whether they would be considered vulnerable at the time the relationship commenced; whether the relationship has been detrimental to their mental health and well-being; the source of the complaint; and whether the Registrant abused their position by entering into a relationship with their former client. The code of ethics does not stipulate how long is an appropriate passage of time before it would be considered appropriate for a Registrant to commence a personal relationship with a former client. This is a matter for the panel to decide based upon the submissions of both parties and the evidence before it; however as a general rule, the longer the therapeutic relationship, the longer passage of time is necessary to ensure proper closure has been achieved.

~~5.4.5 In deciding whether a suspension or termination is the appropriate sanction, a panel must consider:~~

- ~~– The vulnerability of the person concerned;~~
- ~~– Whether the sexual contact was voluntary;~~
- ~~– Whether the misconduct was a one off incident or prolonged over a period of time;~~
- ~~– Whether the misconduct was part of a course of deliberate action;~~
- ~~– The likelihood of repetition;~~

~~–Whether the Registrant has insight to their failings and has taken steps to address these failings;
and
–The danger to the public posed by the Registrant if they were permitted to recommence practicing.~~

5.5 Financial Exploitation

- 5.5.1 Financial exploitation is an extremely serious allegation. In finding financial exploitation, a panel is making a finding that a Registrant deliberately abused the position of power they occupy in order to make financial gain.
- 5.5.2 Financial exploitation is considered particularly serious where the person concerned is vulnerable and there has been an abuse of the special position of trust that the Registrant occupies.
- 5.5.3 In all cases where financial exploitation has been found proved the minimum sanction appropriate is a period of suspension. In circumstances in which there is evidence of repeated or prolonged exploitation, termination of UKCP registration may be the only appropriate sanction.
- 5.5.4 In deciding whether a suspension or termination is the appropriate sanction, a panel must consider:
- The vulnerability of the person concerned;
 - Whether the financial exploitation was a one off incident or prolonged over a period of time;
 - Whether the misconduct was part of a course of deliberate action;
 - The likelihood of repetition;
 - The financial impact on the client as a result of the exploitation;
 - Whether the client's mental health has been impacted as a result of the exploitation;
 - Whether the Registrant has insight to their failings and has taken steps to address these failings;
and
 - The danger to the public posed by the Registrant if they were permitted to recommence practicing.
- 5.5.5 A panel must be aware that it has no power to award costs or make financial awards, but rather that its focus is on the suitability of the Registrant to remain on the UKCP Register.

5.6 Considering convictions, cautions, and decisions made by other professional bodies

- 5.6.1 Convictions refer to a decision by a criminal court in the United Kingdom, or a finding by an overseas court of an offence, which if committed in the UK, would constitute a criminal offence. Cautions refer to offences committed in the UK or elsewhere where no court proceedings took place because the Registrant admitted the offence and proceedings were deemed unnecessary.
- 5.6.2 Decisions made by other professional bodies refer to decisions by another body in the UK responsible for the regulation of a health, social care, or other relevant profession, or an employer to the effect that a Registrant's suitability to be on the UKCP Register is called into question.
- 5.6.3 Where the panel receives in evidence a signed certificate of the conviction, caution, or decision, the panel is bound to accept the document as conclusive evidence of the offence having been committed, or the facts found proved by the professional body or employer.
- 5.6.4 The purpose of the panel hearing is not to punish the Registrant a second time, but to consider the implications, if any, that the conviction, caution, or decision has on the Registrant's membership with UKCP. A panel must consider whether the facts as found proved constitute a breach of UKCP's

code of ethics, and if so whether it is satisfied that the Registrant is not suitable to remain on the UKCP register without any restrictions or conditions.

5.6.5 A panel must consider what, if any, action is required to ensure that public confidence in the profession is maintained and the public is sufficiently protected. A panel must also consider any restrictions or sanctions that are currently in place when deciding what course of action to take.

5.6.6 A panel may choose to replicate a sanction imposed by another professional body; however it must give reasons for their decision. Alternatively, a panel may choose to take no further action or impose an alternative sanction of their choosing. Detailed reasons must be given for this decision.

5.7 Interim Orders

5.7.1 Any breaches of an interim order will be considered to be serious, and will be taken into account in the panel's assessment of the Registrant's insight and attitude, and to whether the Registrant will be likely to comply with any future sanction.

Version History		
Version No	Date Approved	Change/Reasons for Change/ Comments
1	23 September 2017	New document approved by the Board of Trustees
2	4 October 2018	Amendments to 4.7 approved by the Executive Committee
3	10 October 2019	Amendments to references to UKCP code of ethics and numbering

Summary report: Litera Compare for Word 11.13.0.54 Document comparison done on 13/11/2025 16:45:51	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original filename: UKCP Indicative Sanctions Guidance Version 31 - 133236800_1.docx	
Modified filename: UKCP Indicative Sanctions Guidance Version 31 - CLEAN - 13.11.25 - 134107597_1.docx	
Changes:	
<u>Add</u>	8
Delete	14
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	22